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**VIA ELECTRONIC SUBMISSION**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

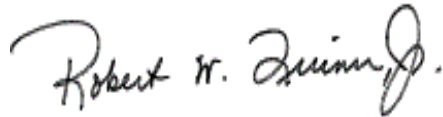
*Re: Connect America Fund, WC Docket No. 10-90; A National Broadband Plan for Our Future, GN Docket No. 09-51; Establishing Just and reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135; High-Cost Universal Service Support, WC Docket No. 05-337; Developing an Unified Inter-carrier Compensation Regime, CC Docket No. 01-92; Federal-State Joint Board on Universal Service, CC Docket No. 96-45; Universal Service Reform – Mobility Fund, WT Docket No. 10-208; IP-Enabled Services, WC Docket No. 04-36, Appropriate Framework for Broadband Access to the Internet over Wireline Facilities, CC Docket No. 02-33; Framework for Broadband Internet Service, GN Docket No. 10-127; Petition for Declaratory Ruling That tw telecom inc. Has the Right to Direct IP-to-IP Interconnection Pursuant to Section 251(c)(2) of the Communications Act, as Amended, for the Transmission and Routing of tw telecom's Facilities-Based VoIP Services and IP-in-the-Middle Voice Services, WC Docket No. 11-119; Petition of USTelecom for Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain Legacy Telecommunications Requirements, WC Docket No. 12-61; Cbeyond, Inc. Petition for Expedited Rulemaking to Require Unbundling of Hybrid, FTTH, and FTTC Loops Pursuant to 47 U.S.C. § 251(c)(3) of the Act, WC Docket No. 09-223; Petition for Expedited Rulemaking to Adopt Rules Pertaining to the Provision by Regional Bell Operating Companies of Certain Network Elements Pursuant to 47 U.S.C. § 271(c)(2)(B) of the Act, WC Docket No. 09-222; Policies and Rules Governing Retirement Of Copper Loops by Incumbent Local Exchange Carriers, BridgeCom International, et al., Petition for Rulemaking and Clarification (filed Jan. 18, 2007) ("BridgeCom Petition"); Petition of XO Communications, LLC, et al., For a Rulemaking to Amend Certain Part 51 Rules Applicable to Incumbent LEC Retirement of Copper Loops and Copper Subloops, RM-11358.*

Dear Ms. Dortch:

On Tuesday, August 28, Christopher Heimann and I met with Matthew Berry and Nicholas Degani, respectively Chief of Staff and Legal Advisor to Commissioner Pai, to discuss actions the Commission can and should take to facilitate the retirement of legacy TDM-based networks and services and transition to an IP-based Network/Ecosystem, consistent with federal policies and objectives, including those enunciated in the National Broadband Plan. At the request of Commissioner Pai, AT&T has prepared and is submitting herewith a checklist of those

actions, which identifies the critical first steps the Commission should undertake without delay to begin the transition as well as additional steps that would facilitate completion of that transition. Under the existing statutory and regulatory framework, carriers already can undertake the steps necessary to make the transition, including, in some cases, steps requiring Commission approval (such as withdrawing legacy TDM-based services). But, insofar as the transition raises a number of novel and likely contentious issues, Commission action on the items included on the attached list would greatly facilitate and thus hasten completion of the transition. The steps we identify implicate an array of issues raised in the above-referenced dockets. Accordingly, we are filing the checklist in each such docket.

Respectfully submitted,

A handwritten signature in black ink, reading "Robert W. Quinn, Jr." with a stylized flourish at the end.

Robert W. Quinn, Jr.

Attachment

cc: Matthew Berry  
Nicholas Degani

## **Commission Actions to Facilitate Retirement of Legacy TDM-Based Services/Networks and the Transition to an IP-based Network/Ecosystem**

### Critical First Steps:

1. Establish a date certain for an official TDM-services sunset, after which no carrier would be required to establish and maintain TDM-based services/networks, and purchasers of such services (including circuit-switched and dedicated transmission services) would have to switch to IP or other packet-based services. As the analog sunset for both CMRS services and broadcast TV demonstrate, failure to do so will result in foot dragging that will needlessly prolong the transition and deprive consumers and service providers of the efficiency and other benefits of transitioning to broadband. Clarify that any state requirements forcing service providers to maintain TDM networks and services, or to offer intrastate services – as opposed to jurisdictionally agnostic, all-distance, and thus interstate services – following the TDM sunset are preempted. Such requirements could deter investment in broadband, and thus are inconsistent with and pose an obstacle to federal law and policies encouraging the transition to all IP networks and services.
2. Complete action in the IP-enabled services proceeding, and classify such services as information services, subject to minimal regulation only at the federal level. The Commission could permit service providers to offer DSL or other broadband transmission services on a common carrier basis if they so choose, but in no event should a provider be required to do so.
3. Reform and streamline (or outright forbear from) section 214 service discontinuance procedures and network modification rules to facilitate retirement/termination and replacement of TDM-based networks and services with IP-based broadband networks and information services.
4. Implement ETC reform – declare that existing ETC designations will terminate on a date certain; thereafter, limit ETC status and obligations only to carriers that voluntarily accept ETC status, and only to those services and geographic areas that are supported by federal universal service broadband funding. Declare that the only purpose of the ETC designation is to allow a service provider voluntarily to receive universal service support necessary to make it economic to provide supported services in specific, clearly identified and delineated areas. Make clear that the states are bound by these reforms, and cannot maintain inconsistent state policies/rules (such as COLR requirements that could force carriers to continue to maintain TDM networks and services).
5. Reform Interconnection – after the official date for the TDM sunset, no carrier or other provider of TDM based services should be entitled to require others to interconnect in

TDM. The Commission should take action to maintain the market-based, regulation-free interconnection regime that has applied to IP-based interconnection for decades. No action is necessary to do so if the Commission clarifies that IP-based services are information services, as it should. If the Commission fails to do so, it should exercise its authority to forbear from application of section 251(c)(2) interconnection and other requirements to the extent necessary. Following the transition, a carrier or other service provider that continues to rely on TDM technology or to offer TDM-based services should not be permitted to invoke the section 251/252 regime to force other service providers to interconnect. At that point, a TDM-based provider should bear the cost of converting traffic to/from TDM when they interconnect with non-TDM based service providers.

6. Reform wholesale obligations under section 251/271 to eliminate unbundling, resale, collocation and other requirements that could require ILECs to maintain TDM networks and services. Following the transition, unbundling should apply, if at all, only to bare copper loop facilities (requesting carriers should supply their own electronics).

Additional Steps:

1. Eliminate regulatory underbrush/superstructure that accompanies TDM-based services. For example, phase out equal access, residual ONA/CEI, record-keeping, accounting, guidebook, dialing parity, payphone, and data collection (which should be limited to that which is collected on the Commission's Form 477) requirements. Following the transition, all asymmetric regulatory requirements should be eliminated; any remaining requirements should apply equally to all providers on a technology neutral basis.
2. Further reform USF to provide support for broadband regardless of the regulatory classification of broadband services, eliminate any obligation to offer such services on a common carriage basis to be eligible for such support, and provide incentives for service providers to invest and offer services necessary to ensure that no one is left behind by the transition to an all-IP, broadband ecosystem.
3. Establish/reform rules to facilitate migration of customers from legacy to IP-based services and to prevent customers that procrastinate or fail to migrate from holding up the transition. For example, establish a process for identifying a default service provider if a customer fails to migrate, and/or permit service providers to notify customers that they will be dropped from service as of a date certain if they have not migrated to an alternative service/service provider.
4. Implement numbering reform to allow VoIP providers to obtain numbering resources.

5. Take action necessary to establish a next generation 911 for an all-IP platform/ecosystem.
6. Determine other actions necessary, but not yet identified, to enable/facilitate the transition.